IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5924 OF 2005

Irshad Hussain Mustaque Ahmed Sheikh
@ Ishee ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. A.P.Mundargi h/f Shri. S.R. Mithave for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 13, 2005.

P.C.:

1. Heard the learned Senior Counsel appearing for the Applicant and the learned A.P.P. for the State. Offence registered against the Applicant is under sections 363, 367, 342 and 377 of the Indian Penal Code. The allegation against the Applicant is that he has voluntarily committed carnal intercourse against the order of nature with one Mohamad. There is material on record to show that the boy Mohamad suffered bleeding injuries. The age of the boy is stated to be five years. Perusal of the panchnama and other material on record shows that there is more than enough material to show the complicity of the Applicant at this stage.

2. The learned Counsel for the Applicant submitted that the Applicant is a student of commerce college and considering the young age of the Applicant, he should be enlarged on bail.

3. Considering the gravity of offence and

material collected during the course of investigation against the Applicant, young age of the Applicant is no ground to enlarge him on bail. The offence allegedly committed by the Applicant is of heinous nature.

4. I am informed that the case is already committed to the court of Adhoc Additional Sessions Judge. Considering the young age of the Applicant, the trial deserves to be expediated.

5. Application is rejected. The learned Trial Judge will conclude the trial as expeditiously as possible by treating it as High Court expediated case.

JUDGE